

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

07 SEP 24 AM 10:52

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Antonio MORALES-Ramirez

Defendant.

CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 Magistrate Case No. _____

BY: 

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

Attempted Entry After

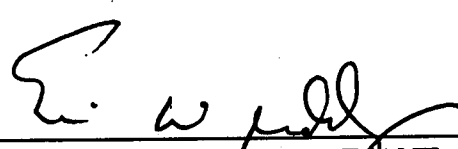
Deportation (Felony)

07 MJ 2292

The undersigned complainant being duly sworn states:

On or about **September 23, 2007**, within the Southern District of California, defendant **Jose Antonio MORALES-Ramirez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Eric Neddermeyer, U.S. Customs and Border
 Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ^{4th} 25th DAY OF
SEPTEMBER 2007.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On September 23, 2007 at approximately 0850 hours, a male individual identified as **Jose Antonio MORALES-Ramirez (Defendant)**, attempted to enter the United States from Mexico at the Otay Mesa, California, Port of Entry, Vehicle Primary lanes. Defendant was the driver of a vehicle with two occupants. Defendant stated to a U.S. Customs and Border Protection (CBP) Officer that he is a United States citizen by virtue of his birth in San Diego, CA. Defendant presented to the CBP Officer a valid State of California Identification Card as proof of identity. The CBP Officer queried Defendant's name and date of birth through the Intra-Agency Border Inspection System (IBIS) returning a computer generated referral. The CBP Officer escorted Defendant and vehicle to Secondary for further inspection

During Secondary Inspection, Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS) which confirmed Defendant's identity. Further queries using the Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant to be a citizen of Mexico with no legal documents or entitlements to enter the United States. Defendant was deported by an Immigration Judge from the United States to Mexico on September 17, 1996. CBP records indicate no evidence that Defendant has applied for, nor received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

Defendant was advised of his Miranda rights and elected to answer questions without the benefit of counsel. Defendant admitted to making an oral false claim to United States citizenship to the CBP Officer upon entry. Defendant admitted he is a citizen of Mexico by virtue of his birth in Mexico City, Mexico. Defendant admitted to having been previously ordered deported and removed from the United States by an Immigration Judge. Defendant admitted to not having received authorization to lawfully re-enter the United States.